

18

United States District Court

~~Western~~ District of Michigan  
Eastern

Charles Haydon II  
Plaintiff

Case: 2:24-cv-13423  
Assigned To : McMillion, Brandy R.  
Referral Judge: Ivy, Curtis, Jr  
Assign. Date : 12/20/2024  
Description: PR HAYDON  
V.HUNGERFORD ET AK (MC)

VS.

P/C Pace

Officer Hungerford

Officer Mayrick

Officer Frank

Officer/SGT Hahn

SGT. McKinzy

SGT. Jon Doe 1

SGT. Jon Doe 2

Jon Doe 3

Lt. Gagley

Jane Doe I

Defendants,

Sued in their individual &  
official capacities

Jury Demand, Complaint  
for Money Damages

2.

## I. Jurisdiction

Plaintiff brings this lawsuit pursuant to 42 U.S.C. 1983. This court has jurisdiction under 28 U.S.C. 1331 & 1343.

## II. Venue

Eastern

The ~~Western~~ District Court of Michigan is the appropriate venue under 28 U.S.C. 1391(b)(2)

## III. Parties

Plaintiff Charles Haydon II was at all times relevant to this action a Prisoner incarcerated Kinross Correctional Facility & at Newberry Correctional Facility.

3.

- Defendant Jane Doe I was at all times relevant to this action a nurse at Kinross Correctional Facility & was acting under the color of federal & state law. By statute the nurse is responsible to treat prisoners to the best of her ability.
- Defendant Hungerford was @ all times relevant to this action the corrections officer at Kinross Correctional Facility & was acting under the color of federal & state law. By statute the corrections officer is responsible for the safety & security of prisoners ~~who~~ housed in officer Hungerford assigned unit. Defendant is being sued in his individual capacity.
- Officer Mayrick was @ all times relevant to this action the corrections officer at the Kinross Correctional facility. By statute the corrections officer is responsible for ensuring the safety & well-being of prisoners under his supervision. He is being sued in his individual capacity.

4.

- Officer Frank was @ all times relevant to this action the corrections officer at the Kinross Correctional Facility. By statute the corrections officer is responsible for ensuring the safety & well-being of prisoners under his supervision. He is sued in his individual capacity.
- Officer/Sargent Hahn was @ all times relevant to this action the corrections Sargent at the Kinross Correctional facility. By statute the Sargent is responsible for ensuring the safety & security of prisoners ~~to~~ under her supervision. She is being sued in her individual & official capacity.
- Acting Sargent McKinzy was @ all times a Sargent of Security & Safety at the Kinross Correctional facility. He was in charge of plaintiff's assigned housing unit & was responsible to ensure the safety of plaintiff. He is sued in his individual & official capacity.

5.

- Sargent Jon Doe 2 was @ all times a Sargent of Security @ the Kinross Correctional Facility. He was the unit Commander & was responsible to ensure the safety of Plaintiff. He is sued in his individual & official capacity.
- Sargent Jon Doe 3 was @ all times a Sargent of Security at the Kinross Correctional Facility. He was the unit Commander & was responsible to ensure the safety of Plaintiff. He is sued in his individual & official capacities.
- Lt. Gagey was @ all times the Lt. of Safety & Security at the Kinross Correctional Facility. He was the Shift Commander & was responsible to ensure that officers & sargents follow Policy Directives & operating Procedures & was responsible to ensure the safety of the Plaintiff. He is sued in his individual & official capacities.

6.

- P.C. / Unit Manager Pace was @ all times the unit manager / Prisoner Consoler @ the Kinross Correctional Facility. He was the unit manager & Was responsible for handling Prisoner conflicts, & to help assist Prisoners with issues at the facility. He is sued in his individual & official capacities.

At all times relevant to the events described herein, the defendants have acted & continue to act under color of state law.

#### IV. Exhaustion OF Administrative Remedies

Plaintiff has exhausted all available administrative remedies using the prisoner Grievance System.

#### V. Factual Allegations

Because Plaintiff has not yet had a chance to conduct discovery, Plaintiff does not know all of the facts

7.

in this case - Particularly facts in the defendants control & possession, facts plaintiff intends to bring up @ the time of discovery.

- ① on or about 8-1-2023 @ about 10:00 p.m. officer Hungerford came to plaintiff's room & told him he had to move from his bottom bunk to a top bunk. From D-2-13 (Bottom Bunk) to D-2-10 (Top Bunk).
- ② Plaintiff let officer Hungerford know that he had a bottom bunk detail, & due to medical conditions he could not be on a Top bunk.
- ③ Plaintiff informed officer Hungerford that he could not climb ladders or ~~go~~ use Steps, Stairs, etc.
- ④ officer Hungerford left then returned approximately five minutes later & said they could not find a copy of plaintiff's detail on file & asked plaintiff if he had a copy of his bottom bunk detail.



8.

- ⑤ Plaintiff Provided officer Hungerford with a copy of the bottom bunk detail & Showed the officer Plaintiff's foot.
- ⑥ officer Hungerford left with a copy of the bottom bunk detail provided by Plaintiff.
- ⑦ Approximately five minutes later officer Hungerford returned & said that Plaintiff's Detail had expired on the day in question which was 7-21-23.
- ⑧ On this same day, 7-21-23 plaintiff had a health care appointment @ which time Plaintiff spoke with the healthcare provider about renewing his bottom bunk detail & getting a Special Shoe Detail.
- ⑨ The healthcare provider, Jane Doe 1 said she would renew Plaintiff's bottom bunk / no Ladders / no stairs Detail & refer him to an orthopedic specialist.



(9)

- (10) When C.O. Hungerford returned & said Plaintiff's detail had expired, Plaintiff explained he had a healthcare appointment ~~either that~~ <sup>on 7-21-23</sup> ~~same day~~ & the healthcare Provider said she renewed Plaintiff's bottom bunk, no Ladders, no steps detail.
- (11) When C.O. Hungerford said he "didn't give a shit about Plaintiff's Medical condition" Plaintiff asked to speak with the Shift Commander.
- (12) At Approximately 10:25 p.m. officer Mayrick came to plaintiff's bunk & told plaintiff to report to the control center.
- (13) Plaintiff Reported to the Control Center as ordered & was told "have a seat." Plaintiff complied.
- (14) Approximately 20 minutes later, acting Sargent McKinzy & Two other Sargents (Jon Doe 2 & Jon Doe 3) came over to Plaintiff.

(15) Sargent Jon Doe 2 asked what was going on, so plaintiff explained exactly what had happened. from healthcare appointment ~~to the~~ ~~the~~ to the current time.  
on 7-21-23

(16) Once again Plaintiff explained the need for a bottom bunk, the nature of his injuries that prevent him from climbing Ladders & steps.

(17) Plaintiff offered to show Acting Sargent McKinzy, & Jon Doe 1 & 2 his foot. All three Sargents said "no, that's ok, We believe you."

(18) All three Sargents went back into the office and returned 5 minutes later & said that Lt. Gagey said that plaintiff had to move, regardless of medical issues, & plaintiff should speak to PC Pace the following day.

(19) Sargent Jon Doe 2 ~~said~~ told Plaintiff that 3rd. shift does not make moves unless it has to do with security issues, & that the move was made by 2nd. shift & Plaintiff needed to talk to them.

- (20) Third Shift officers also said plaintiff should raise the issue with the unit Manager the following day, & that the unit manager could move plaintiff back down & Lt. Gagey stated he would sent PIC Pace an email about the issue of being on ~~the~~ a top bunk, & that plaintiff should kite healthcare about renewing his bottom bunk detail.
- (21) Plaintiff returned to his assigned housing unit & moved to the Top bunk D-2-10 but slept at the table all night.
- (22) The following day on 8-2-23 @ approximately 7 or 8 A.M. Plaintiff went to the unit manager Pace to discuss the issues of being on a top bunk, & how the medical care Provider forgot to renew Plaintiff's bottom bunk, no ladders, no steps detail.
- (23) After explaining plaintiff's medical issues ~~issues~~ to the Unit Manager / PC Pace, Pace told the Plaintiff there was nothing he could do & that plaintiff needed to kite healthcare.

12.

- (24) Plaintiff then told Pace a second time that Plaintiff could not climb stairs, ladders, therefore the Direct order to Lock on a Top bunk was a danger to Plaintiff's health & safety.
- (25) At that time Plaintiff told Pace "I guess this means I'll be sleeping @ the table again" until he heard back from healthcare.
- (26) That is when Pace told Plaintiff "if (he) was not in that top bunk @ count time Plaintiff would get a class 1 out of place ticket & an attempted escape.
- (27) At approximately 10:55 A.M. on 8-2-23 C.O. Frank called "5 minutes till count, be on your bunks." @ which time Prisoner Kent # 494511 helped Plaintiff get into the top bunk he was ordered to be in @ count time by Pace & Frank.
- (28) After both corrections officers made their count rounds (Approx. 11:05 A.M.) Plaintiff tried to get down from the Top bunk, stepping down on the chair, & as the Plaintiff stepped down, the chair →

13.

- (28) tipped over & the plaintiff fell to the floor landing on his left wrist & elbow, & back, also hitting his head on the table leg & unsure what else, possibly the floor.
- (29) It was @ this time another prisoner went & told officer Frank what had happened.
- (30) Approx. Two minutes later officer Frank came to Plaintiff's cube & said "Haydon, what are you doing", @ which time plaintiff responded "I fell."
- (31) Officer Frank walked away & came back a few minutes later with officer Hahn.
- (32) Officer/Sargent Hahn showed up with a wheelchair & took plaintiff to healthcare where plaintiff was seen by nurse Jane Doe 2.
- (33) Nurse Jane Doe 2 told plaintiff that his wrist & elbow was most likely bruised & scheduled Plaintiff for X-Rays.

- (34) Nurse Jane Doe 2 also checked plaintiff's back & head, had him stand & lift his legs & asked him to turn his right foot forward @ which time Plaintiff told her he couldn't due to an injury in 1997 & that was the reasoning for the bottom bunk, no ladders, no steps detail.
- (35) Nurse Jane Doe 2 Gave the Plaintiff a 60 mg. Shot of tortamutall for his back.
- (36) At this time nurse Jane doe 2 informed Plaintiff that she sees that there's 3 screws & 2 Plates in his foot, @ which time Plaintiff explained that that's what he been trying to tell Prison officials all along.
- (37) At this time Nurse Jane Doe 2 Gave Plaintiff ~~another~~ a detail for an ace bandage, wheelchair, & bottom bunk detail for the next 2 days.
- (38) At 4 p.m. Plaintiff sent a kite to health care to get his bottom bunk detail renewed & health care replied that on 8-3-23 Plaintiff was seen about that issue the day before on 8-2-23.



15.

- (39) On 8-3-23 unit manager Pace called plaintiff into his office to sign off on a healthcare Kite from 7-26-23.
- (40) Upon entering PC Pace's office ~~he~~<sup>Pace</sup> stated he did not understand why plaintiff was moved in the first place, that it was "obvious that (plaintiff's) foot was Messed up.
- (41) on 8-4-23 Plaintiff had a healthcare appointment & seen nurse Jon Doe 4.
- (42) RN Jon Doe 4 checked Plaintiff's wrist & back by touching where it hurt, @ which time Plaintiff let him know that the pain was spreading into Plaintiff's fingers & across his lower back & up to the middle of his shoulder blades.
- (43) ~~PO~~ RN Jon Doe 4 wrapped Plaintiff's wrist in a new ace bandage & gave him more ibuprophen along with other medicine/proscriptions & set a follow up appointment for a week away.



16.

- (44) Plaintiff then asked RN Jon Doe 4 about his bottom bunk detail @ which time he gave Plaintiff another temporary detail until 8-16-23 & told Plaintiff he needed to see his Provider for a permanent detail.
- (45) X-Rays were never ordered, or, were ordered but were never done.
- (46) When X-Rays were taken they were only taken of plaintiff's wrist, not of his elbow or back like Plaintiff was told he would have done.
- (47) In October of 2023 Plaintiff was transferred to another facility (URF) where he never received any follow up appointments.
- (48) In March of 2024 Plaintiff was transferred to New Berry Correctional Facility where he kited healthcare asking to see about his wrist & elbow as he was still in pain & put healthcare on notice that X-Rays of back & elbow were never taken as they were allegedly ordered.

17.

(49) At this time Plaintiff was told that additional X-Rays Were never ordered.

(50) The Healthcare Provider @ New Berry Wanted Plaintiff to take a steroid & Layed him in for 30 days & told him if the Steroid didn't Work then they would order ~~more~~ ~~more~~ additional X-Rays.

(51) The Steroids Did not work so Plaintiff kited healthcare again about his ongoing Problem & they responded by saying "no follow up was Scheduled, to this day Plaintiff's Wrist, elbow, & back is still hurting from falling from the top bunk.

Defendants failed To Protect Plaintiff & Were Deliberately indifferent to Plaintiff's Serious medical needs / condition(s).

I swear under Penalty of Perjury that the foregoing is true & correct to the best of plaintiffs ability.

X Charles Haydon II

Date

X Charles Haydon II

Charles Hay Doner # 218145  
Jackson Cotton Facility  
3500 N. Elm Road  
Jackson, MI. 49201

United States  
Eastern District Court  
% Office of the Clerk  
231 W. Lafayette,  
Detroit, MI. 48226

U.S. MARSHALS

1983

RECEIVED  
CLERK'S OFFICE  
DETROIT

RECEIVED  
TUE 17 DEC 1984 PM